

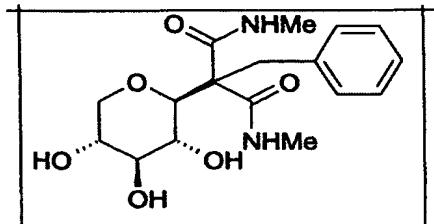
REMARKS

The claims in this case were restricted into thirteen Groups. Applicants have provisionally elected Group I, Claims 1-4. The Restriction Requirement is traversed.

Initially, Applicants note that the present application contains only one independent claim, claim 1, and that all other pending claims ultimately depend from this claim. Also, only one compound formula, formula (I), is set forth in claim1. Thus, all claims are directed to compounds falling within formula (I).

For restriction to be proper, a burden must be placed on the Office in examining all claims. Applicants respectfully submit that assuming the compositions in Groups I-VIII and the methods in Groups IX-XIII are materially different, the search for these compositions and methods would occur in the same classes/subclasses given the fact that the compounds in Group I compositions are structurally related to the compounds of Groups II-VIII and the methods of Groups IX-XIII by virtue of the fact that all of these compounds fall within formula (I). Thus, the same classes/subclasses would be searched because the same structural elements are relevant to compounds of Groups I-XIII -- no burden would be placed on the Office in searching and/or examining all claims together. This is particularly true for Groups IX-XIII given that the Group IX-XIII method claims directly or indirectly depend from the Group I composition claims. Pursuant to MPEP § 821.04, such dependent method claims should be rejoined in this application upon indication of allowable subject matter. Accordingly, the Restriction Requirement is traversed.

Moreover, Applicants have provisionally elected, for search and examination purposes only, the species of



However, the election of species requirement is traversed.

The reason underlying the designation by the Office of the different compounds within Group I as being patentably distinct is not explained in sufficient detail or by example, and as such represents only a conclusion, particularly in view of the fact that the identified species are related by operation and/or effect. Accordingly, division of each of these species is unsupported and improper. See, MPEP §§ 802.01 and 806.04 (b).

Moreover, for an Election of Species requirement to be proper, a burden must be placed on the Office in examining all species. Applicants respectfully submit that no such burden exists in this case.

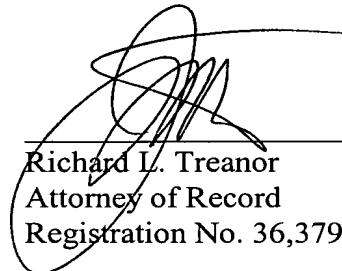
Applicants respectfully submit that even assuming for the purposes of argument that the compounds are materially different from each other, the search for all such compounds would occur in the same classes/subclasses. Thus, no burden would be placed on the Office in searching and/or examining all claims together. Accordingly, the Election of Species Requirement is traversed.

Application No. 10/813,056
Response to Restriction Requirement mailed January 23, 2007

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits.

Respectfully submitted,

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